IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH, AT HYDERABAD

HON'BLE SRI JUSTICE V.V.S. RAO

W.P. No. 20907 OF 2005

Date: 06.10.2005

BETWEEN:

Boddepalli Varahalamma

…. PETITIONER

And

1. The District Collector, Srikakulam, and others.

…. RESPONDENTS

HONOURABLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No. 20907 OF 2005

ORDER:

The petitioner is a resident of Amadalavalasa town in Srikakulam District. She owns a tiled house bearing No.9-1-168 in Lingaya quarters in Ninth Ward in Amadalavalasa Municipality. The fourth respondent owns a house in the vicinity and it is alleged that she opened drainage pipes towards the petitioner's front yard and letting the drainage and sullage water into vacant site of the petitioner. This has resulted in stagnation of drainage/sullage water and stinking smell in the area. The petitioner therefore made a complaint to the second respondent as well as the third respondent for necessary redressal, in vain. The petitioner also filed a complaint under Section 133 of the Code of Criminal Procedure, 1973 (Cr.P.C.) for taking necessary action against respondents 4 and 5.

In this writ petition, the petitioner seeks a declaration and direction to the respondents 1 to 3 to enquire into the matter and remove the nuisance caused by the respondents 4 and 5.

At the stage of preliminary hearing itself, the learned Standing Counsel for Amadalavalasa Municipality was directed to get instructions. On instructions he submits that the second respondent has already initiated action under A.P. Public

Health Act, 1939 (for short 'the Act') and issued a notice under Sections 34, 41/44 and 134 of the Act directing the respondents 4 and 5 to remove the nuisance within seven days. He further submits that the second respondent shall take further necessary action in the matter. Insofar as the complaint made by the petitioner to the first respondent under Section 133 Cr.P.C., is concerned, the petitioner is given liberty to make another complaint to the Mandal Revenue Officer, Amadalavalasa immediately. On such complaint being made by the petitioner, the Mandal Revenue Officer shall immediately initiate action under Section 133 Cr.P.C., to abate the nuisance caused by the respondents 4 and 5 by letting out drainage/sullage water into the open plot of the petitioner. This action may be initiated within a period of one week from the date of receipt of a copy of this order.

The Writ Petition, with the above observations and directions, is accordingly disposed of at the admission stage.

_____

(**V.V.S. RAO, J.)**

6th October, 2005

Note: C.C. by two days

B/o

Js.